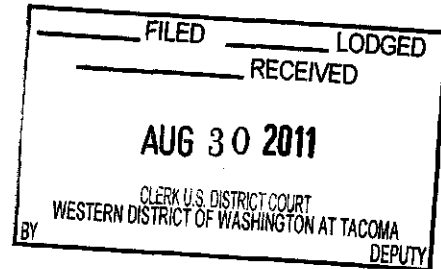




HONORABLE RONALD B. LEIGHTON

11-CV-05442-ORD



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

U. S. BANK, N.A.,

Plaintiff,

v.

ROGER A. STEWART, et al.,

Defendants.

NO. CV 11-5442-RBL

ORDER GRANTING DEFENDANT'S
MOTION TO REMAND

THIS MATTER is before the court on the following Motions: Defendant Stewart's Motion to Dismiss [Dkt. #4] and Plaintiff U.S. Bank's Motion to Remand this unlawful detainer action back to Pierce County Superior Court [Dkt. #8].

Defendant's Motion to Dismiss is based on his claim that, in a related action in this Court (Cause No. 10-5884RBL) he obtained an Order of default against the US Bank (defendant in that action). It is far from clear how Stewart reasons that that Order would warrant dismissal of the unlawful detainer action he removed to this court. In any event, that Default has been vacated. The Motion to Dismiss this action is not supported and is DENIED.

ORDER - 1

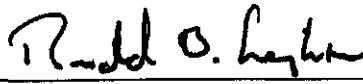
1 This court has no jurisdiction over unlawful detainer actions. Plaintiff's post-
2 foreclosure action against Stewart raises only the issue of his right to remain in the home
3 under Washington law. It raises no federal question. The Motion to Remand is
4 GRANTED, and this matter is REMANDED to the Pierce County Superior Court.

5 Any future frivolous filings by Mr. Stewart on the subjects of this lawsuit may
6 result in the imposition of sanctions.

7 The Clerk shall send uncertified copies of this order to the parties and to the Clerk
8 of the Pierce County Superior Court.

9 IT IS SO ORDERED.

10 Dated this 30th day of August, 2011.

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13 Ronald B. Leighton
14 U. S. District Court Judge
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